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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,912	09/21/2001	Osamu Kakinuma	212903US3	2653
22850	7590	12/22/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/956,912

Applicant(s)

KAKINUMA, OSAMU

Examiner

David E. Bochna

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 11,241,798 in view of EPO patent publication 36,984.

Japanese Patent '798 discloses a method of connecting refrigerant pipes 71 of a multi-unit type air conditioner, the method comprising the steps of:

preparing a branch pipe joint body 8 having a hollow shape and a plurality of communication ports 81 each having the same inner diameter;

selecting connecting pipes 9 from a group of connecting pipes at an installation site of the multi-unit type air conditioner, each of the selected connecting pipes having one end portion having an outer diameter enabling the one end portion to be fitted to the communication ports 81 and another end portion having an inner diameter enabling the another end portion to be fitted to one of the plurality of the refrigerant pipes 71, said group of connecting pipes and branch pipe joint body having been packed in one package; and

connecting the branch pipe joint body to the refrigerant pipes through the selected connecting pipes using firm fixing (threads). Japanese Patent '798 also discloses attaching the communication ports directly to a part of the refrigerant pipes without using the connecting pipes (see fig. 2 where pipes 8 are directly and firmly connected to communication ports 11 in a branch

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pipe 1). However, Japanese Patent 11,241,798 does not disclose providing connecting pipes with second ends that contain different outer diameters or that the number of connecting pipes in the group of the connecting pipes is larger than the number of the communication ports, and is set such that a total number of the connecting pipes having a minimum inner diameter and a maximum inner diameter is smaller than a number of the connecting pipes having an inner diameters other than the minimum and maximum inner diameters. EPO Patent application '984 teaches providing connecting pipes 21, 22, 23 for a branch pipe 10 where the connecting pipes have different outer diameters 28, 29, 30 so that the branch pipe can be attached to other pipes that have different sized diameters in order to increase the versatility of the branched pipe connection. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the connecting pipes of Japanese Patent 11,241,798 to include connecting pipes with different diameters, as taught by EPO Patent application '984, so that the branch pipe could be connected to a wider variety of other pipes.

EPO Patent application '984 also teaches providing a connecting pipe 21 that has an inner diameter different than the minimum 23 and maximum 22 inner diameters of other connecting pipes, but does not disclose providing more of the other 21 connecting pipes than the connecting pipes having minimum 23 and maximum 22 inner diameters. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide additional connecting pipes 21 having inner diameters other than the minimum and maximum inner diameters because duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

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***Response to Arguments***

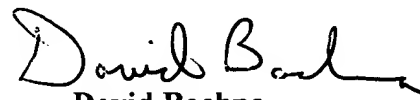
3. Applicant's argument with respect to claim 24 has been considered but is moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
David Bochna  
Primary Examiner  
Art Unit 3679  
December 18, 2003